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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,780	02/09/2004	Gregory D. Aviza	8144/Z-3603	8854

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
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EXAMINER

PETERSON, KENNETH E

ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
05/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. 10/774,780	Applicant(s) AVIZA, GREGORY D.	
Examiner Kenneth Peterson	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 April 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 22,28,29,43 and 44 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 22,28,29,43 and 44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22,28,38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis (4,868,983) in view of Jacobson (4,378,634) and Apprille (5,661,907).

Francis shows a method of making a razor with all of the recited limitations including;

A housing with a rectangular opening (figure 7).

Plural blades (14),

1st and 2nd end blocks (left and right of figure 5) having blade slots (8,9),

The blades are movable in the end blocks via a spring (2).

Francis's end blocks are made of metal instead of plastic. However, Examiner takes Official Notice that the razor industry has moved more and more towards making every part possible out of plastic to decrease costs, especially since razors have become a "disposable" product. An example of this use of plastic is Jacobson, who shows blade slots and blade springs made of plastic. Examiner can provide more evidence of this industry-wide transition to plastic if challenged. It would have been obvious to one of ordinary skill in the art to have modified Francis by making his end blocks out of plastic, as taught by Jacobson and many others, in order to decrease costs.

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Since the non-continuousness of Francis's slots is due entirely to the fabrication of the metal, such non-continuousness would not convey to the new plastic end block, much as Jacobson's slots are non-continuous.

In regards to claims 38 and 43, Francis's blade ends protrude past the end blocks. However, this again is just a by-product of the end block being metal and would not convey to the new plastic end block, much as Jacobson's blades do not protrude through his slots.

Francis's slots do not set exposures, angles or spans that are different from each other. It is important to note that these three variables are set forth in the alternative, and that the prior art need show only one of them. Apprille teaches having different spans, for the purpose of "*providing more closeness and control over shaving performance*" (lines 15-20, column 4). It would have been obvious to one of ordinary skill in the art to have set the slots so that there were different spans for the blades, as taught by Apprille and many others, for the reasons set forth above.

3. Claims 22,28,38,39,43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis (4,868,983), as modified above, and further in view of Santhagens Van Eibergen et al. (6,671,961).

In regards to at least claims 39 and 44, Francis, as modified, lacks a lubricating strip, but this is ubiquitous in the art as seen in Santhagens Van Eibergen (23, lines 18-21, column 6). It would have been obvious to one of ordinary skill in the art to have

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provided a lubricating strip for Francis's housing, as taught by Santhagans Van Eibergen, in order to provide a more pleasant shaving experience.

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's addition of the slots setting differing "exposures, angles or spans" was rather broad, because there are so many ways to change these. Changing spans is particularly simple, as seen in the Apprille reference, since the slots need merely be moved laterally, and not changed in any other way. Many other references have differing blade exposures, but use a non-slot element to set the exposure.

If Applicant would like to further pursue this case, Examiner recommends dropping "or span" since that is such a simple modification, and adding some structural feature of the slot that causes the differing angles and exposures.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Peterson whose telephone number is (571)272-4512. The examiner can normally be reached on Monday-Thursday, 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth Peterson/
Primary Examiner, Art Unit 3724